

VISTA UNIFIED SCHOOL DISTRICT

BOARD BYLAW NO. 9012: CONFLICT OF INTEREST AND DISCLOSURE CODE

A. Unlawful Financial Interests In Contracts With The District

The Board acknowledges that Government Code sections 1090-1097 covering unlawful financial interests in contracts with the District apply to Board members and employees. It shall be the policy of the District that these laws be complied with.

B. Unlawful Incompatible Activities

The Board acknowledges that Government Code Sections 1125-1128 covering unlawful incompatible activities apply to Board members and employees. It shall be the policy of the District that these laws be complied with.

The Board may determine at any time whether any outside activity is incompatible as long as such determination is consistent with Government Code sections 1125-1128.

The Board shall give written notice to any Board member or employee who is engaging in any incompatible activity that such activity has been determined by the Board to be prohibited. The Board member or employee has the right to appeal such determination to the Board, but such appeal must be filed in writing within twenty (20) days of receipt of the determination. Any appeal must state the specific grounds for the appeal and must be supported by proper evidence.

No Board member or employee shall be disciplined for engaging in any unlawful incompatible activity without prior written notice that such activity has been determined to be prohibited, and without prior written notice that discipline is proposed.

C. Conflict Of Interest Code Required By Government Code Section 87300

Adoption

In compliance with the Political Reform Act of 1974, Government Code sections 81000 et seq., the Board hereby adopts this Conflict of Interest Code pursuant to and required by Government Code section 87300, which shall apply to all Board members and designated employees of the District. It is the intent of this Conflict of Interest Code to ensure full compliance with all applicable law.

Designated Employees

Employees of the District and Board members who hold positions which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, shall be designated employees. All persons who hold the positions specifically enumerated in Exhibit "A" are designated employees.

Disclosure Statement Filing

1. Each designated employee and Board member shall file annual statements with the District and the County Clerk and in the manner prescribed in this Code and by the County Clerk, disclosing reportable interests in real property, investments in business entities, and income which might foreseeably be affected materially by the operations of the District. It has been determined that it is foreseeable that the types of investments, interests in real property, and income listed in the

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disclosure categories in Exhibit "B" may be affected materially by decisions made or participated in by the designated employee by virtue of his/her position. Such interests are reportable if held by the designated employee.

2. Annual statements shall be filed during January disclosing investment, interests in real property and income held or received in the period since the closing date of the employee's previously filed statement and December 31st.
3. Leaving office statements shall be filed by every person who leaves a designated position specified in Exhibit "A" within thirty (30) days after leaving the position, disclosing his/her reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed and the date of termination.

The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.

4. Board members and the Superintendent shall file initial statements ten (10) days before assuming office. All other employees appointed, promoted or transferred to designated positions shall file initial statements within thirty (30) days after the date of assuming the position.

Disclosure Statements Contents

Disclosure statements shall be made on forms supplied by the County Clerk.

1. Contents of Investment and Interest in Real Property Reports (Government Code section 87206):

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

- a. A statement of the nature of the investment interest.
- b. The name of the business entity in which each investment is held and general description of the business activity.
- c. The address or other precise location of the real property.
- d. A statement of whether the fair market value of the investment or interest in real property exceeds One Thousand Dollars (\$1,000) but does not exceed Ten Thousand Dollars (\$10,000), whether it exceeds Ten Thousand Dollars (\$10,000) but does not exceed One Hundred Thousand Dollars (\$100,000), or whether it exceeds One Hundred Thousand Dollars (\$100,000).
- e. In the case of an investment which constitutes fifty percent (50%) or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity.
- f. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

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Information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

2. Contents Of Income Reports (Government Code section 86207):

- a. When income is required to be reported under this Code, the statement shall contain the following:
 - The name and address of each source of income aggregating Two Hundred Fifty Dollars (\$250) or more in value, or Fifty Dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.
 - A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least Two Hundred Fifty Dollars (\$250) but did not exceed One Thousand Dollars (\$1,000), whether it was in excess of One Thousand Dollars (\$1,000), but was not greater than Ten Thousand Dollars (\$10,000), or whether it was greater than Ten Thousand Dollars (\$10,000).
 - A description of the consideration, if any, for which the income was received.
 - In the case of a gift, the name and address of the donor and the amount, a description of the gift and the date the gift was received.
- b. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
 - The name, address, and a general description of the business activity of the business entity.
 - In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity, if the filer's pro rata share of fees from such person was greater than One Thousand Dollars (\$1,000).
 - In the case of a business entity not covered by the above sub-paragraph, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was greater than Ten thousand Dollars (\$10,000) during the calendar year.

Disqualification

Designated employees must disqualify themselves pursuant to applicable law from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable financial interest of that employee except as allowable by law.

Manner of Disqualification

A designated employee required to disqualify him/herself shall notify his/her immediate superior in writing. This notice shall be forwarded to the Superintendent who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another employee.

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In the case of a member of the Governing Board, notice shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the Board. The member shall then refrain from participating and shall attempt in no way to use his/her official position to influence any other person with respect to the matter.

DATE BYLAW ADOPTED BY THE BOARD:
DATE BYLAW READOPTED BY THE BOARD:
DATE BYLAW REVISED BY THE BOARD:
DATE BYLAW READOPTED BY THE BOARD:

August 23, 1989
August 13, 1992
September 9, 1993
February 6, 1997

VISTA UNIFIED SCHOOL DISTRICT

EXHIBIT A

DESIGNATED POSITIONS

- A. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit B.
- Members of the Board of Trustees
 - Superintendent
 - Associate Superintendent
 - Assistant Superintendents
 - Chief Financial Officer
 - Chief Operations Officer
 - Principals
 - Members of the Citizens' Bond Oversight Committee
- B. Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 2 and 3 of Exhibit B.
- All Directors in Business Services
 - Director of Construction
 - Director of Land and Facilities Planning
 - Facilities Planner
 - Facilities Coordinator / Developer Fees

EXHIBIT B

DISCLOSURE CATEGORIES

(Not Intended To Conflict With Applicable Law)

Category 1

- a. Interests in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments in or income from business entities which are contractors or sub-contractors which are or have been within the previous two year period engaged in the performance of building construction or design of the type utilized by the district.
- c. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

Category 2

Investments in or income from business entities which manufacture or sell supplies, books, machinery, or equipment of the type used by or purchased by the District. Investments include interests described in Category 1.

Category 3

Investments in or income for business entities which are contractors or sub-contractors engaged in the performance of work or services of the type used by or purchased by the District. Investments include interests described in Category 1.